

LETTER

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TO THE

LORD ADVOCATE OF SCOTLAND,

ON

MEDICAL REFORM.

BY

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LETTER.

MY LORD,

I beg to address your Lordship on the subject of Medical Reform; and hope that the circumstances to be stated may plead my apology for the liberty taken in doing so.

In the year 1815, the Society of Apothecaries in London obtained an Act of Parliament which rendered it penal, from that time forward, to practise as an Apothecary in England without their license. But it has been established by repeated judicial decisions, that the duties of an Apothecary comprehend the administration as well as the compounding of drugs; and that, therefore, any person who supplies internal remedies for the treatment of disease—except empirical preparations, upon which a tax is paid—subjects himself to the penalties of the Act. Hitherto it has been found a difficult and expensive process to obtain convictions for such offences, in consequence of certain legal technicalities, with which it is unnecessary to trouble your Lordship; but from various cases of recent occurrence, it appears that the establishment of “County Courts” has removed these obstacles and rendered any attempt to trench upon the Apothecaries’ province, without their license, sure to incur punishment. Now, nearly the whole medical prac-

tice of England, of a general or family kind, is in the hands of those who supply the medicines which they prescribe, and are, in fact, remunerated for professional services by the price attached to their drugs. *At present, therefore, it is obviously impossible by any extent of education or examination in Scotland to obtain the right of medical practice in England.*

In countries so united as England and Scotland, such an exclusive restriction in favour of the former could be justified only on the ground of the latter being defective or inferior in the means of instruction. But so far from this being the case, it will be found, that whether the supply of instruction or the demand for it be made the criterion of judgment, the Medical Schools of Scotland must be conceded a higher place than those of England. In England there is not a single teacher in any Medical School appointed by Government, while in Scotland there are no fewer than twenty holding royal commissions as professors of the various departments of medical study. In England there is not a single Medical School supported or recognised by Government, while in Scotland the three great medical seminaries of Edinburgh, Glasgow, and Aberdeen, have not only received large grants of the public money for the erection of their buildings, but annually draw allowances for their libraries, museums, gardens, and professors' salaries. The University with which I have the honour of being connected, has received upwards of £100,000 for completing the College buildings, and £30,000 for the support of the Botanic Garden, besides £575 a-year for the library, and £500 for the salaries of five Medical Professors. Nearly £100,000 has been bequeathed to the Principal and Professor for promoting, as may seem best to them, the prosperity of the establishment. Large collections, illustrative of anatomy, natural history, materia medica, and other

departments of education, have been formed; and a wide field of practical study is afforded by the Royal Infirmary, which being resorted to by patients not only from every part of Scotland and its islands, but also from the north of England and Ireland, is believed to present a greater variety of subjects for observation than any other hospital in Great Britain. All the medical teachers of the Edinburgh University, not appointed by the Crown, are chosen by the Lord Provost, Magistrates, and Town-Council—not as in London, merely from the pupils of the Schools, or rather the still more narrow circle of aspirants, who by filling in succession the position of Dressers, Assistants, Demonstrators, or other subordinate places, are regarded as having a claim to preference;—but with perfect freedom of selection, and without any admission of respect being due to local connexion. In so far, therefore, as the standing in national importance, the appointment of teachers, and the means of instruction are concerned, it must be admitted that the University of Edinburgh, and other similarly constituted Medical Schools in Scotland, are at least nowise inferior to those of England.

In regard to the attendance of students, which must be held the best evidence as to the efficiency of the teachers, the University of Edinburgh stands, and has long stood, at the head of British Medical Schools. The number of students has increased progressively even during the last four years, which have been peculiarly adverse to academic study; in the first place, from the drain of youthful talent for engineering employment; then from the straitened circumstances consequent upon railway speculations, stagnation of trade, and disturbance of commerce; and, lastly, from the panic caused by Cholera making its first appearance here at the commencement of last session.

The increase this winter exceeds 70, and the proportion of students from England is even larger than usual. With this testimony in favour of the means provided for teaching being duly exercised, it cannot be denied, that even although the University of Edinburgh were the only Medical School of Scotland, there could be no pretext for refusing the right of licensing in this country for practice in England on the ground of deficiency in professional instruction. Indeed, it would not be difficult to shew, that so far from being inferior, the system of teaching in Scotland is much more complete and ample than that of England, where a large part of the education which qualifies for the Apothecaries' license is derived from self-constituted teachers, many of whom are young men having no intention of lecturing permanently, or any serious preparation for doing so, and engaged in it merely as a temporary occupation until they succeed in acquiring the more lucrative employment of practice. In London, the lectures on such important subjects as the Practice of Surgery, are given only three times a-week, instead of six as in Edinburgh. The extensive subject of *Materia Medica*, which is here with difficulty discussed in six months, is there, in accordance with an express regulation of the Apothecaries' Company, compressed within the narrow limits of a three months' course. And so imperfect is the system of clinical instruction in London, that not a single course in the Surgical department delivered there, can be recognised by the University of Edinburgh as affording the requisite qualification for graduating here. It would be easy to confirm these statements by adverting to the present state of the London School, in respect to the attendance of students, which, whether regarded as the effect or the cause of professional instruction being so imperfect there, very

distinctly displays the tendency of public opinion. But my object in addressing your Lordship is not to establish any claim to superiority in favour of Scotland as a source of medical instruction ; all that is necessary for the present purpose being to shew that there is no such deficiency in this country as can warrant the exclusive privilege of the Apothecaries' Company.

For many years past the Medical Schools and Licensing Boards of Scotland have endeavoured to obtain redress of this great injustice, but hitherto without success. Having been acquainted with all the attempts made for this purpose, I have constantly predicted their failure for two reasons. *In the first place*, because they were all measures of detail—extremely complex, and affecting a great variety of interests, so that any of the parties concerned wishing to impede their progress could easily find means to do so ; like the London Apothecaries, who not being able to deny the justice of equal privileges to practice being founded upon an equality of education, instead of questioning this principle, or expressing any unwillingness to consider the arrangements proposed for carrying it into effect, confided the safety of their monopoly to the tactics of delay. *Secondly*, because none of these measures were directed with a single straightforward view to general expediency and public advantage, but were all founded on the principle of give and take, or mutual concession and accommodation. Your Lordship and your Lordship's predecessors in attempting to legislate for "Medical Reform," have said to the various Colleges and Corporations—"Arrange the matter with each other, and, when you agree upon the details, I will embody them in a Bill." It may be easily imagined what a tissue of absurd and mischievous regulations would thus be woven through the selfish eagerness of each body to gain some

advantage, blinding it to the tendency of proposals from others in the way of exchange or equivalent for what they surrendered. The following specimens may afford some idea of the extent to which this system was carried, and perhaps explain the unpopularity of the Medical Bills which have hitherto been presented to the profession.

In these Bills it has been proposed to place large additional powers in the Colleges of Physicians and Surgeons,—powers universally regarded by the profession, with exception of the Members to be benefited, as not only dangerous, but certainly injurious, to the interests of medical science and practice—powers such as no College could have ventured to ask for itself, or otherwise than mixed up and mystified with the complicated details of a general measure. Indeed, the spirit of the present time is disposed to curtail rather than to extend the privileges of such bodies; since if constituted, as they ought to be, of well-educated, enlightened liberal-minded gentlemen, practising their profession with the advantages afforded by residence in a capital city, and associated together for their mutual comfort and improvement, they require nothing more than the individual character and social position of their members to ensure public respect, and render their fellowship an object of ambition. While, if composed of different elements, having views entirely selfish and sordid, and being bent upon the acquisition of privileges which may be exercised for their own benefit, without regard to the interests of the profession at large, it is evident that no extent of power can render them respectable, and that any degree of confidence reposed in them could hardly fail to produce unworthy fruits. It is not long ago since a College, which has been the loudest in its demands for exclusive privileges, had confided to it the bestowal of a large sum of money as a re-

ward for distinction in a field of literature cultivated by authors of the highest eminence; and yet, incredible as it may seem, the President, without any claim, except the joint-authorship of an old nearly-forgotten publication, appropriated this prize to *himself* and the lawyer who had been his partuer in the work. It is hardly necessary to remark, that a College which supported their President in, and identified themselves with, the perpetration of such an outrage on decency and propriety, could not be safely trusted with any power of controlling the members of a liberal profession.

Another favourite scheme of medical legislation has been the classification of practitioners into Physicians, Surgeons, and General Practitioners, in complete disregard of many obvious objections; and, especially, the notorious fact, that the two former classes exist only in metropolitan cities. The whole of Scotland at present contains not more than three or four physicians, practising only as such, and but one surgeon who devotes his attention exclusively to surgical cases. In all England, there is not, so far as I know, one *pure* surgeon out of London. How then could this arrangement have been realized with due regard to the real position of practitioners? It is true that the Medical Bills contained processes of education which were to confer the privilege of assuming these titles, which have hitherto been appropriated to men actually engaged in practice, immediately upon leaving the schools. This was to be accomplished by lengthening the period of study, and multiplying the examinations of candidates, so as to place the acquisition of such honours beyond the reach of any students, except those whose pecuniary resources and endurance of irksome restraint—perhaps more indicative of patience than talent—might enable them to complete the

protracted period of discipline. But is it possible to imagine anything more absurd than such a system? Is it less absurd than would be the proposal of a Theological Seminary or an Inn of Court, to determine by education and examination, the grade of eminence to be attained in the Church or Law? Is it to be supposed that a physician or surgeon, having no claim to his title except the possession of a parchment, could ever displace from public confidence the practitioner who has gradually risen in the estimation of his professional brethren through many long years of assiduous and successful exertion; and who, although possessing no title different from those of his neighbours, is resorted to by them in every case of difficulty? If, indeed, gentlemen who elevate themselves to this position in practice could, without any trouble to themselves, and especially without submitting to the annoyance of an examination, be assumed as associates by a College of Physicians or Surgeons, the arrangement would be no less reasonable than advantageous, both publicly and privately. But any attempt to determine the estimation in which medical men are to be held, by ushering them upon the stage of practice in different ranks, is no less impracticable than irrational. Medicine, through all its departments, is a science of observation. Memory alone, however retentive or diligently assisted by teaching, is unable to afford the qualifications requisite for practice; and it is only by digesting the facts acquired through reflection, comparison, and personal research, that they can be appropriated with any lasting or real improvement. But when the mind is loaded with all the *minutiae* of elementary, professional, and collateral study, it is incapable of the intense and sustained attention essential for attaining any approach to excellence in the practice of physic or surgery. It has accordingly always seemed to

me that the character of a medical man depends less upon the period of studentship than upon the manner in which he spends the years immediately succeeding it, when all his trials being past, and examinations no longer in view, the whole vigour of a young, active, and disciplined mind may be devoted to preparation for the business of life. But the Medical Bills afforded no such opportunity; and by rendering an examination the final act of a physician's academic course, prevented any part of the *nine years* devoted to it from being so employed.

Nothing in the course of discussion for framing Medical Bills has excited more jealousy or led to more complicated regulations and restrictions, than the conferring of Degrees by Universities—which, of all subjects connected with medical education, certainly least required interference of the Legislature. But the licensing boards have always laboured under a painful apprehension of their qualifications being disregarded, if the more imposing title of Doctor should be recognised as an equivalent for conferring the right of practice. The Medical Bills, accordingly, contained the most strict and elaborate precautions for preventing degrees from being obtained on terms so easy as to endanger the demand for licenses of inferior value; and thus so far from offering any encouragement to University study, would have repressed it by restricting the recognition of students through the honours conferred upon them by their "*Alma Mater*." Now all this vexatious and manifestly hurtful legislation might have been avoided by simply declaring that University degrees were to be regarded merely as honorary distinctions, and were not to convey any privilege of practice. I know that the University of Edinburgh would not object to this; and believe that the other Universities of Scotland would agree to it. The object of our desire is not to license but to teach.

We care not where the licensing power is placed, provided it is exercised without hardship and injury to our pupils. At present the students who come here from London and other parts of England, and also those of this country who propose to obtain the Apothecaries' license, are trammelled in their preliminary education by the obligation to serve a five years' apprenticeship in compliance with the laws of the Apothecaries' Company, who have also insisted upon what we regard as an erroneous and objectionable arrangement of the course of study. The Universities desire nothing but relief from these obstacles to the discharge of their duties, so as to render them most useful to the public.

But of all the contrivances which have resulted from the principle of mutual accommodation, unquestionably the most pernicious and discreditable to its authors, is the plan of establishing in England a College of General Practitioners. This plan originated in the dissatisfaction generally felt, and very distinctly expressed, by the members of the College of Surgeons of London, with the new charter which was lately obtained by their Council—especially in regard to the invidious and unjust distinction of ranks into Fellows and Members. For my own part, when informed by the late Mr. Liston, that my name was included in the first and most honourable list of Fellows, I begged to decline what seemed to me a questionable compliment, and was induced to submit only by his urgent request—he being a member of council at the time—that I would do so to avoid scandal. The dissatisfaction thus excited not having been avoided by the prudent precaution of ascertaining the sentiments of members before making free with their rights and privileges, should have been remedied without delay by applying for an amended charter. But in-

stead of this course, it was proposed that the practitioners of England who were not satisfied with the new constitution of the College of Surgeons, should be incorporated into another College of "General Practitioners."

It has hitherto been supposed that the great duty of a Government or Legislature, was, so far as possible, to elevate and improve the department of medical practice which ministers to the poorer classes of society. But the proposed College of General Practitioners would have sunk beyond the power of recovery all who were unwise enough to enrol themselves under its charter of degradation.

So long as the village surgeon is connected with a College to which belong the great and good names of his profession, he is cheered in the discharge of his laborious and ill-requited duties by the light reflected from the elevated station of his more eminent brethren; and he may console himself with the reflection, that if circumstances had permitted his cultivation of a wider field, he also might have proved an Abernethy or a Cooper; but if you consign him to a fellowship of mere drudgery, without a single association of merit in teaching, writing, or hospital practice, what could be expected from him except the feelings and conduct of a man bent upon gain as the sole object of his exertions? If the new College were ever established, its leading members could scarcely maintain a distinguished place in their profession, and would probably not stand higher than those of the Apothecaries; so that some estimate of the result may be formed from the station now held in professional esteem by the governing body of the "Worshipful Society." I am sorry that it is not in my power to afford your Lordship any positive information upon this subject, the names of these gentlemen being entirely unknown to me; but I venture to express my persua-

sion, that wherever discovered, they will hardly be found in the pages of medical science.

No one, so far as I know, has ever advocated the establishment of this new College upon any other principle than that it would smooth the difficulties of a Medical Bill; and the proposal is altogether so objectionable in regard to all the interests concerned, that I have always entertained a strong suspicion that the scheme originated with representatives of the bodies opposed to any change of the existing law, and was thrown into the mess of crude proposals as a morsel likely to impede the wholesome digestion of medical reform, without any hope, or rather any fear, of its ever passing through the Legislature. Be this as it may, the project is happily no longer tenable, since the Council of the College of Surgeons have resolved to apply for a new charter, and, by so doing, while they admit that there was just ground for dissatisfaction, take the only step calculated to afford redress. Should your Lordship, therefore, still proceed with the introduction of a Medical Bill, it must be very different from that which was proposed for last Session of Parliament, in which the College of General Practitioners constituted such a prominent feature.

But instead of again trying another measure of this kind, which, although it might be ostensibly tolerated, would certainly be in secret opposed by the London Apothecaries, and doubtless suffer from the system of tactics which has enabled them to strangle all its predecessors, I beg very earnestly to suggest, for your Lordship's consideration, a different mode of obtaining redress, which has long seemed to me equally simple in principle, easy in execution, and effectual in operation. Originally proposed by me in a letter to Sir James Graham five years ago, it has met with approval by all who have listened to its explanation; and, in

the event of receiving your Lordship's sanction, might, I doubt not, be the law of the land within six months from the present time.

This plan is founded upon the principle that an equal amount of qualification should entitle to an equal right of practice, and upon the assumption that Scotland contains efficient means of medical education. If these data be conceded, I would propose that Government should constitute a Board, which, for the sake of distinction, might be named the Medical Council, and be charged with the following duties:—

1. To determine what amount of education and examination should be held requisite for obtaining the license of general practice.

2. To sanction or constitute Boards for bestowing the license of general practice in London, and Edinburgh, and also in Dublin, if the measure should be extended to Ireland.

3. To publish annually a Register of qualified practitioners, together with the degrees, diplomas, or other honorary distinctions which they may have acquired.

It seems unnecessary, and would be inexpedient, to anticipate by speculations at present the probable arrangements of such a Council, especially since the great recommendation of the plan is its freedom from details—the loopholes through which the garrison of monopoly have hitherto succeeded in defending their fortress. Confidence must be reposed in Government, and the distinguished men who would doubtless be selected for an office of so great honour and responsibility.

In London, it is not improbable that the Apothecaries' Company and the College of Surgeons would be still permitted to qualify for general practice; while in Scotland, the College of Surgeons and the College of Physicians of

Edinburgh, with the Faculty of Physicians and Surgeons of Glasgow, would press their respective claims for a share in the licensing privilege. The Universities would be allowed to pursue the course which seemed to each most conducive to the interest of itself and its students, with the safeguard for the public, that, there being no compulsory attendance upon any one of them, except for obtaining the degree conferred by it—conveying no privilege, and consequently deriving its value entirely from the character of the teachers—there would be the strongest stimulus to exertion in the discharge of their duties. The Colleges of Physicians and Surgeons would be at liberty to make application for alterations in their charters, in accordance with the tone of public opinion, and would have their respective claims considered solely with regard to the grounds upon which they rested, instead of being mixed up with the complicated and irrelevant arrangements of a “Medical Bill.” The medical profession would cease to be distracted by the dissensions and struggles of its various corporations for ascendancy; and the public, if they still chose to make unqualified practitioners the guardians of their health and lives, would no longer have any excuse for their folly in the vagueness of professional title and qualification. All the objects of Medical Reform being thus accomplished, and peace taking the place of angry contention, professional talent would be allowed to pursue its proper course in the promotion of Medical Science.

I have the honour to be,

MY LORD,

Your Lordship's most obedient Servant,

JAMES SYME.

The Right Hon.

Lord Advocate of Scotland.

